

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)	
OF SUSSEX SHORES WATER COMPANY)	
FOR A GENERAL INCREASE IN WATER)	PSC DOCKET NO. 20-0421
RATES AND TO REISSUE ITS GENERAL)	
TARIFF (FILED JUNE 28, 2020))	

ORDER NO. 9766

AND NOW, this 31st day of March 2021, the Delaware Public Service Commission (the “Commission”) hereby determines and Orders as follows:

WHEREAS, on June 28, 2020, Sussex Shores Water Company (“Sussex Shores”) filed an application with the Commission seeking an increase of \$223,332 in water rates; and

WHEREAS, the Delaware Division of the Public Advocate (“DPA”) filed a statutory notice of intervention in this docket on July 7, 2020; and

WHEREAS, on August 19, 2020, the Commission entered Order No. 9629, in which it:

(1) suspended Sussex Shores’ proposed rates and tariff sheets pending the completion of hearings on the justness and reasonableness of the proposed rates and tariff changes and a final Commission decision thereon; (2) directed Sussex Shores to publish public notice of its application in three different newspapers during the week of August 31, 2020; (3) established September 23, 2020 as the deadline for filing intervention petitions; (4) delegated responsibility for conducting public comment sessions and evidentiary hearings in this docket to Hearing Examiner Glenn E. Kenton, and tasked him with the responsibility of preparing proposed findings and recommendations for the Commission’s consideration; and (5) granted Sussex Shores’ request to place interim rates into effect effective with usage on and after August 27, 2020, with proration and subject to refund; and

WHEREAS, Hearing Examiner Kenton approved a procedural schedule pursuant to which evidentiary hearings were to be held on March 29, 2020 and March 30, 2020 (if necessary); and

WHEREAS, on October 28, 2020, a Hearing Examiner conducted a public comment session via teleconference and live streaming, at which no persons attended; and

WHEREAS, the Commission has not received any written public comments in this docket; and

WHEREAS, on March 23, 2021, Sussex Shores, the DPA and the Staff of the Commission (the "Parties") submitted a Joint Motion advising the Commission that they had reached a settlement in principle that would increase Sussex Shores' base rates by \$173,744; and

WHEREAS, the Parties submitted with the Joint Motion a proposed form of Public Notice for an April 21, 2021 evidentiary hearing for the Commission's approval; and

WHEREAS, in the Joint Motion the Parties requested the Commission to revoke its delegation of this matter to the Hearing Examiner, to approve their proposed form of Public Notice of an evidentiary hearing on April 21, 2021, and to approve the Parties' presentation of the proposed Settlement Agreement directly to the Commission at its April 21, 2021 meeting; and

WHEREAS, the Commission heard the Joint Motion at its regularly-scheduled meeting on March 31, 2021;

**NOW, THEREFORE, BY THE AFFIRMATIVE VOTE OF NO FEWER THAN
THREE COMMISSIONERS, IT IS HEREBY ORDERED:**

1. The Motion is **GRANTED**.
2. The Commission revokes its delegation of authority to Hearing Examiner Kenton to conduct the evidentiary hearings in this matter. The Commission will conduct the evidentiary hearing in this matter at its regularly-scheduled meeting on April 21, 2021.

3. Sussex Shores shall publish public notice of the evidentiary hearing in the form attached as **Exhibit “A”** in *The Delaware State News* on or before April 7, 2021, and shall file the affidavit of publication with the Commission before the April 21, 2021 hearing.

4. The Commission reserves jurisdiction and authority to enter such further Orders as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Dallas Winslow, Chairman

Joann Conaway, Commissioner

Harold Gray, Commissioner

Manubhai “Mike” Karia, Commissioner

Kim F. Drexler, Commissioner

ATTEST:

Donna Nickerson, Secretary

EXHIBIT “A”

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OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF)	
SUSSEX SHORES WATER COMPANY FOR)	PSC Docket No. 20-0421
A GENERAL INCREASE IN WATER SERVICE)	
RATES AND TO REISSUE ITS GENERAL TARIFF)	
<u>(FILED JUNE 28, 2020)</u>	<u>)</u>	
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<u>NOTICE OF PUBLIC EVIDENTIARY HEARING</u>		

TO: ALL WATER CUSTOMERS OF SUSSEX SHORES WATER COMPANY:

The Delaware Public Service Commission (the “Commission”) will conduct a public evidentiary hearing concerning a proposed Settlement Agreement in the above-captioned case (as further explained below) as follows:

DATE & TIME	LOCATION
Wednesday, April 21, 2021 at 1:00 p.m.	Delaware Public Service Commission Cannon Building 861 Silver Lake Boulevard, Suite 100 Dover, DE 19904*

* Please check the Commission’s agenda for its April 21, 2021 meeting for information regarding the hearing location. If restrictions on public gatherings are still in place due to the State of Emergency, the hearing may be accessible only by teleconference and live video streaming. The agenda will be posted on April 14, 2021, on the Commission’s website: <https://depssc.delaware.gov/public-meetings/>

On June 28, 2020, Sussex Shores Water Company (“Sussex Shores”) filed an application with the Commission seeking approval to increase in its base water service rates and of certain changes to its general tariff. In its application, Sussex Shores sought an increase in annual operating revenues of \$223,332 or an increase of 13.19% over existing base rates.

On October 28, 2020, a Commission hearing examiner conducted a public comment session via teleconference and live stream for the purpose of taking public comment regarding the

Application. No persons attended the public comment session, and the Commission received no written comments.

On March 23, 2021, Sussex Shores, the Commission Staff, and the Delaware Division of the Public Advocate filed with the Commission a Proposed Settlement in which they recommend a \$173,744 increase in Sussex Shores' base rates.

Evidentiary hearings are conducted to formally introduce evidence into the record and to make the parties' witnesses available for cross-examination, including testimony that may be offered with respect to the Proposed Settlement. Members of the public are invited to attend the evidentiary hearings as observers, but only the parties (including persons who were granted leave to intervene) are permitted to present or cross-examine witnesses. At the evidentiary hearings, the Hearing Examiner will consider the Application, the pre-filed and "live" testimony of the parties and the Proposed Settlement. The Commission will make its decision on this matter on the basis of the record evidence taken at the April 21, 2021 evidentiary hearing, at which the parties intend to present the Proposed Settlement to the Commission. The Commission's evidentiary hearing will address whether the Proposed Settlement is in the public interest and results in just and reasonable rates. The Commission may approve or reject, in whole or in part, the Proposed Settlement.

You may review Sussex Shores' application and supporting documents by going to DelaFile (<http://delafile.delaware.gov>), the Commission's docketing and file management system, and by searching for Docket No. 20-0421. If you would like to review documents at the Commission's offices, please contact Donna Nickerson at (302) 736-7500 or send an email addressed to donna.nickerson@delaware.gov. You may also review copies of Sussex Shores' application and supporting documents at the offices of the Division of the Public Advocate located

at 820 North French Street, 4th Floor, Wilmington, Delaware 19801 and at 29 South State Street, Dover, Delaware 19901. Please call either (302) 577-5077 (Wilmington) or (302) 241-2555 (Dover) to arrange for a time to review the documents at either of those locations.

If you wish to request copies of documents in this matter, please submit a Freedom of Information Act Request Form. The link to this form can be found on the Commission's website, <https://depsec.delaware.gov>, or by visiting this web address: <https://delafile.delaware.gov/Complaints/FOIA.aspx>. The Commission will respond to your request in accordance with the Delaware Freedom of Information Act, 29 *Del. C. ch.* 100.

If you have a disability and wish to participate or to review the materials in this matter, please contact the Commission to discuss any auxiliary aids or services you might need to help you. You may contact the Commission in person, by writing, by telephone (including text telephone), by email, or other means.

If you have questions about this matter, you may call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302) 736-7500 (voice and text telephone). You may also send questions regarding this matter by Internet e-mail addressed to psc@delaware.gov with "Docket No. 200421" in the subject line.